

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, NOVEMBER 15, 2005

Chair Parsons called the meeting to order at 7:02 p.m., One Twin Pines Lane, Second Floor of City Hall.

1. ROLL CALL

Commissioners Present: Parsons, Dickenson, Frautschi, Gibson, Long, Wozniak, Horton

Commissioners Absent: None

Staff Present: Community Development Director de Melo (CDD), City Attorney Zafferano
(CA), Recording Secretary Flores (RS), Zoning Technician Gill (ZT),
Consulting Planner Meunier (CP).

2. AGENDA AMENDMENTS

At the request of CDD de Melo, it was agreed to adjust the agenda to hear Item 6 before Item 5.

3. COMMUNITY FORUM (Public Comments) - None

4. CONSENT CALENDAR

4A. Minutes of: 8/16/05 and 10/18/05

MOTION: By C Frautschi, seconded by C Long, to accept the Action Minutes of Tuesday,

August 16, 2005.

Ayes: Frautschi, Gibson, Long, Horton, Wozniak, Dickenson, Parsons

Noes: None

Motion passed: 7/0

MOTION: By C Horton, seconded by C Frautschi, to accept the Action Minutes of Tuesday

October 18, 2005.

Ayes: Frautschi, Gibson, Horton, Wozniak, Dickenson, Parsons

Noes: None

Abstain: Long

Motion passed: 6/0/1

6. OLD BUSINESS

6A. 2604 Read Avenue – Review of the Cross Section Plan and Final Landscape Plan

ZT Gill summarized the staff report, recommending approval.

MOTION: By VC Dickenson, seconded by C Long, to adopt a Resolution approving a FINAL

LANDSCAPE PLAN & CROSS SECTION PLAN for 2604 Read Avenue

(Appl. 2003-0124)

Ayes: Frautschi, Gibson, Long, Horton, Wozniak, Dickenson, Parsons

Noes: None

Motion passed: 7/0

6B. 2029 Mezes Avenue – Review of the Final Landscape Plan

ZT Gill summarized the staff report, recommending approval.

MOTION: By VC Dickenson, seconded by C Long, to adopt a Resolution approving a FINAL

LANDSCAPE PLAN & CROSS SECTION PLAN for 2604 Read Avenue

(Appl. 2003-0124)

Ayes: Frautschi, Gibson, Long, Horton, Wozniak, Dickenson, Parsons

Noes: None

Motion passed: 7/0

5. NEW BUSINESS

Chair Parsons commented that there will not be a final determination at this meeting on Items 5A and 5B because of a glitch in the public noticing. CCD de Melo proposed that Commissioners evaluate the projects, ask any questions they may have, and then continue the items to the December 6 meeting, and hold public hearings at that time.

5A. 2847 San Juan Boulevard

To consider a Single Family Design Review to construct a new 2,681 square foot single family residence. (Appl. No. 2002-0054)

APN: 043-322-270; Zoned: R-1B (Single Family Residential)

CEQA Status: Recommended Categorical Exemption per Section 15303

Applicant: Patrick Flanders

Owners: Kaveh and Kasra Amir-Araghi

CP Meunier summarized the staff report, recommending approval.

Chair Parsons suggested moving the garage to the right to reduce the amount of grading. CP Meunier responded that if the garage moves to the right it would become deeper in order to not exceed a slope of 18%.

C Gibson asked about the maximum height of the retaining wall. CP Meunier responded that the retaining wall approaches 20' and will be underneath the building. It has a height of 6' within the front and side setbacks.

Applicant Patrick Flanders addressed the Commission, noting that over the years they have looked at 6 different techniques for lessening the environmental impact. He added that his Geotechnical Engineer, Mr. Pollock, was available to answer questions.

C Frautschi addressed the issue of the slide areas from Page 5 of the Pollock report, and asked if the slide that is out of the area of the house will be dealt with. Mr. Flanders responded that they will have freeboard on the uphill retaining wall on the southern most end that will be high enough to take care of slough off in case it happens.

Referring to Page 10 of the Pollock report, C Frautschi noted that they will not be able to use tie back anchors because of the proximity to the adjacent property and asked what will be used. Mr. Pollock responded that it is not necessary to use tie backs on a shorter wall. They would make a stronger conventional wall using heavier footing.

C Gibson asked for clarification about the three walls stepping up on the right side. Is the highest one on the property line and will excavation be into neighboring property? Mr. Pollock responded that bedrock is near the surface and that excavation should be minor. CDD de Melo stated that getting adjacent property owner's approval would be covered by the conditions of approval.

Chair Parsons asked about moving the garage over to the right. The garage currently sits in the middle of the lot, under the deck and under the house. How much more grading would there have been? Mr. Flander said that they tried a half a dozen different positions. If they moved it to where the driveway starts to turn, it would be 18% times the distance. CP Meunier noted that as that point gets deeper, that is the point of maximum height. It would require the upper story to be further reduced to stay in compliance with the height requirements.

C Gibson asked if the 20' high retaining wall would be visible from the street. CP Meunier referred to the drawing, which shows a series of elevations. It shows the wall is 6' facing the street and is climbing, becoming screened by the house and by the wall on the down slope side. As you come around that corner, it is a significant wall.

Laura Boykin, 2848 San Juan Blvd., stated that her main concern is that in heavy rains the proposed house will slide down. She stated that a few years previously, when there were heavy rains, a large divot, the size of two houses, slid down onto the street.

CDD de Melo stated that if the Commission is of the mind to approve the project and gives staff the direction, they could use the three weeks to discuss with Public Works about the retaining wall and sidewalks and work with the applicant. The public hearing will be held at the December 6 meeting.

Chair Parsons discussed the situation where the hillside comes down so steeply, a sidewalk going in would require killing oaks and they want to save the oaks. There is a sidewalk on the other side which seems more appropriate as it is flatter.

C Frautschi mentioned that the plans require a 4' retaining wall and that the area is currently red curbed. A sidewalk might encourage parking on the sidewalk, and save digging out for a sidewalk that doesn't go anywhere. Extra expense for the applicant and doesn't benefit the City.

C Gibson stated that a sidewalk would be extra grading and excavation and mentioned a precedent at 3034 San Juan where they cut in for a sidewalk. He concurred with C Frautschi's comment.

C Dickenson suggested that they defer to Public Works for a small retaining wall to cap some of the hillside with a french drain behind it. CDD de Melo advised that this sidewalk and wall will need a permanent encroachment permit from the City Council. The applicant does not want a sidewalk. Staff can work with Public Works to get the COA modified if needed.

C Long advised that they do not want to send a message to Public Works that they do not want sidewalks. CDD de Melo stated that staff will confer with Public Works in this 2-3 week period.

C Dickenson asked if Public Works would comment if there were a 24" high curb if this would be a public benefit.

Chair Parsons asked about material on the retaining wall. Mr. Flanders responded that it would be stone veneer.

C Gibson stated that he was not yet convinced that this is the right solution. The conclusion on a steep property is a straight shot in for the garage; at the max 18% minimizing the cut. Obviously, this sets the elevation for the rest of the house. They have a hillside policy that calls for a house to be designed to step back into the hill; not popping straight up. He believes the policy is there for a good reason. The façade that is presented to the street is enormous and asked if they can shove the upper level and middle levels back into the hill.

C Long reminded the Commission that they directed staff to save the oak trees versus the bulk and mass, and that staff has communicated that to the applicant.

C Gibson suggested looking at A7 to see if there is a possibility to move the house back without any changes in retaining walls or oaks. CP Meunier described that moving the house back would eliminate light and increase retention on that side. C Gibson asked about

the LS1 patio wrap-arounds. CP Meunier said that area is closer to 8' that would be retained as an outdoor living area. It is not that easy to push the house back with consideration of the step retaining walls.

Chair Parsons stated that they could build the house up against the hillside, not building retaining walls 6-8' back to provide a back yard. Most of the houses that we have approved on hillsides like this, do not have windows on the backside of the house. If we eliminated the windows, you would eliminate a lot of excavating.

C Frautschi suggested only one house on this property instead of two. Traffic on San Juan is substantial. This house could be much larger. He could not support a project with more than a 1000 sq.ft. of cut and fill. The u-shape of the house is innovative and works with the lot. Seven trees are being removed. Applicant is paying \$20,000 in tree fees for loss of trees. He suggested a fireplace in master bedroom and a bay window for bedroom 2 to take advantage of the property. Construction impacts: flag men should be required during grading. Redwood trees remaining on the left will help to lessen the bulk. Some trees do need removing because they are ill.

C Horton liked the fact that the driveway comes up off the street. At least this house isn't 60' from the street. She liked that you cannot see the garage. Combining of the lots is great. She would support the project as is.

C Wozniak stated that she is glad they did not squeeze every inch out of the lot and could support the project.

C Long said that he liked the way the house is laid out. Larger and more massive than he would like. This is a good example of the standards that they have enunciated to the applicant and they have made a good project out of a challenging site.

Chair Parsons is concerned about the amount of grading. The design seems reasonable. He would like to see a landscape plan for the front and asked about an encroachment permit. CDD de Melo responded that only a temporary encroachment permit would be needed for the driveway if they eliminate the sidewalk.

Chair Parsons requested more detailed landscaping around the driveway; give the neighbors privacy and screen the bulky part of the house.

CDD de Melo summarized that they will have a resolution, revised conditions of approval, details of curb wall, condition on grading of adjacent property, flag men during construction, explore issues with Public Works (COA) and a final landscape plan. The Commission supports the project with these changes.

MOTION: By C Frautschi, seconded by C Long, to continue to meeting of December 6, 2005 to consider a Single Family Design Review to construct a new 2,681 square foot single family residence at 2847 San Juan Blvd (Appl 2002-0054)

Ayes: Frautschi, Gibson, Long, Horton, Wozniak, Dickenson, Parsons

Noes: None

Motion passed: 7/0

5B. 1804 B Ralston Avenue

To consider a Single Family Design Review to construct a new 3,440 square foot single family residence. (Appl. No. 2005-0047)

APN: 044-312-330; Zoned: R-1C (Single Family Residential)

CEQA Status: Recommended Categorical Exemption per Section 15303

Applicant: Kelvin Chua

Owner: Hani Aho

CP Meunier summarized the staff report, recommending approval.

C Gibson stated that the arborist wanted the house to be shoved back 10'. If garage was on the street side would it reduce the house's orientation to the street? CP Meunier concurred that this lot could be used in a different way. Currently there is not the dominance of the garage on the street side. However, if the garage was the front portion, their easement only goes back 100' feet. They do not have entitlement to the entire driveway, requiring redesign of the ground floor.

Gibson asks about the garage being built on a slab? CP Meunier responded that a garage built on a slab is more disruptive.

C Frautschi asked about opposition to flipping the house. CP Meunier stated that just flipping the house reduces the rear yard and outdoor area and they want to keep a more useful area to the rear of the house. They can work further with the City arborist. They have accomplished moving the house back 11' of the 15' that the arborist recommended. In addition, the house will be built on a beam and above grade foundation, which will minimize the impact on the root system.

C Frautschi needed to clarify that the patio off the back of the house goes into the easement. CDD de Melo stated that condition #30 of COA on page 6, prohibits structures within the public utility easement; the City could have that removed.

C Frautschi inquired about the irrigation plan. CP Meunier responded that this is preliminary landscape plan.

Peter Volte, Principal Architect of Topos Architects in Palo Alto, stated that there are three critical elements: trees, visual presence (busy street), driveway easement only allowed 100' back. Wanted attractive single story on front with steep pitched roof. Garage on front lot would not be as attractive, especially with a second story. Front living area would have lights on. House far forward so children can play away from Ralston. Do not want to impact neighbors in rear or side. He added that they held a public outreach meeting.

David Jameson, neighbor on Ralston Ave., had concerns that a 3400 sq.ft. house will virtually block out the sun to her house and her view. She added that she never received anything about an open house.

Wesley Won, neighbor on Ralston Ave, was concerned about where the 100' easement begins and questioned what the address would be. CDD de Melo stated that if this gets approved they can work with the address issue. Mr. Won stated asked who will be responsible for maintenance of the trees in the driveway and was concerned about construction noise and debris. CP Meunier stated that the applicant has 16' of easement right to the 20' driveway where the trees are. CDD de Melo noted that the maintenance of the trees is not in front of the Commission. The private property owners will need to work these issues out regarding the maintenance of the trees.

William Gaglin, neighbor on Avon Street, stated that he had not been informed about the outreach program. He listed concerns as follows: the home design will obstruct the western hills and create a sun issue; parking for residents; a 3400 sq.ft. house on a small lot; Measure F; could 6' normal setback be increased; landscaping; privacy; taking out two trees but only putting one back; previous house on that lot had 10' oak that was allowed to be killed; drainage problem from Barrett to backside of 1802 to 914 and 912 Avon (a river running through it). He did not think this house fits in.

C Frautschi stated that this house is too big for the lot even considering setbacks and what is allowed to be built. He would like to see another public outreach in the next three weeks, a complete landscaping plan with irrigation, removal of the lawn next to Ralston and added trees. He mentioned that Commissioners can look at public view but not private view and sun issues. He asked if the house could be smaller with no variances involved, adding that they do not check area house sizes.

C Horton stated that she does not understand why garage is not in front, adding that the size of the house is ok according to the zoning ordinance. They have the right to do that and it is not an issue, concurring that they do not protect private views or sunlight.

C Dickenson questioned CDD de Melo about the outreach program. CDD de Melo responded that there are concerns that adjacent property owners stated that they have not received word of a neighborhood outreach program and he agreed that they should hold another outreach program. C Dickenson noted that the staff report says that the owner would go door to door and hand out flyers.

C Dickenson asked about orienting the garage to the front. Chair Parsons stated that he believes there is a misunderstanding and that flipping the design would put the garage on root structures. C Dickenson clarified that it doesn't meet the design guidelines then. It is too large.

C Gibson stated that it is nicely designed and meets what the ordinance allows. He was convinced that the garage should go in the back to protect the trees and encouraged neighbors to work with each other.

C Wozniak stated that this house is within guidelines but is really big; there are places where it can be scaled back, mentioning four bathrooms and that other designs could be found for this lot. She noted that Barrett School floods; the whole school was under water. She does not support or would not support the project.

C Long asked for guidance on mass and bulk, noting that the house is perfectly legal. CDD de Melo stated that the project meets standards and setbacks and addresses concerns about the trees. C Long added he could not object but that there are degrees of disappointment. The applicant is well within their right to build this and there is no real way to oppose this based on size. He agreed that there needs to be more neighborhood outreach. He supported the project.

Chair Parsons stated that he could not come up with a reason not to approve the project. He would want a landscape plan but could support the project.

CDD de Melo summarized that bulk issues have been met and asked for a straw poll to, determining that there were at least four votes to approve the project. He will schedule the item for a public hearing on December 6th.

MOTION: By C Gibson, seconded by C Wozniak, to continue to meeting of December 6, 2005 to consider a Single Family Design Review to construct a new 3,440 square foot single family residence. (Appl. No. 2005-0047)

Ayes: Frautschi, Gibson, Long, Horton, Wozniak, Parsons

Noes: Dickenson

Motion passed: 6/1

7. REPORTS, STUDIES, UPDATES

7A. Wendy's – 698 Ralston (Verbal Report/Update)

CDD de Melo reported on the CUP and COA for Wendy's, landscape plan from 1982 that illustrates approximately 26 trees approved for that site. There are currently 10 to 12 trees. Staff will continue to work with them. Landscaping must be maintained for the life of the CUP. Initially the CUP required an annual review but it was waived in 1984. The CUP is always subject to Planning Commission call-up authority. Copies of the CUP are available upon request. C Frautschi questioned the entrance to Wendy's from adjacent property. CDD de Melo understands that there is an informal cross access agreement for entrance from adjacent property to comply with parking requirements. This issue will be further addressed as part of the CUP. Responding to C Dickenson's questions, CDD de Melo stated that they are looking at a 10- to 45-day timeline, depending on if the City Attorney needs to get involved and that the letter went out the previous day. C Wozniak asked about the drive-thru. CDD

de Melo stated that the drive-thru was reflected within the landscape plan and received a subsequent approval in 1982-1984.

7B. Wells Fargo Bank – 1045 Ralston (Verbal Report/Update)

CD de Melo reported that on May 17 there was a final landscaping plan which they are working on. C Frautschi noted that the City arborist looked at the Sequoia and said it has canker and is on its way out. C Dickenson noted that there was a pile of roots where they were drilling for irrigation and reminded of the curb cut of which Public Works is aware.

7C. Miscellaneous Items

CDD de Melo stated that staff will continue to follow-up on Avanti Pizza, the Union 76 station, and two trees that Safeway is working on. C Dickenson noted that Mark is working with Union 76, that pink slips were being handed out that day, and asked if the City is getting sales tax from them and if they are getting rid of the soda machines.

CDD de Melo noted that Caprino's will be pulling permits in the next few days and construction will be starting soon. Egress issues have been worked out. They also have the Vivace permit for design review and expansion. The parking variance and CUP for a cabaret are yet to come in.

CDD de Melo reported that Hola's is an illegal use for a cabaret and is an enforcement issue.

C Wozniak asked about the Hillcrest building on 92 and traffic on Chula Vista, would like staff reports on website, wondered if the historic house on Kingston is being constructed according to plan (a pool is being built), and adding that the Planning Commission has a poor reputation for letting everyone build, build, build.. CDD de Melo noted that he could not really comment on the juvenile facility on 92 as it is outside of the City's scope, and that the Kingston house will be coming before the Planning Commission in January.

Responding to C Dickenson's question about the unfinished detached garage on Sixth Avenue, CDD de Melo stated that it is a code enforcement issue.

C Frautschi asked what about having to show progress? CDD de Melo responded that this will be brought to a front burner and addressed.

Discussion ensued regarding the vacancy on the Planning Commission. CDD de Melo stated that a recommendation will be going to the council as to how to fill that seat.

After discussion, it was agreed that the meeting of January 3rd will be cancelled.

PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY, NOVEMBER 22, 2005

Liaison: Commissioner Wozniak

Alternate Liaison: Commissioner Parsons

8. ADJOURNMENT:

The meeting adjourned at 9:30 p.m. to a regular meeting on Tuesday, December 6, 2005 at 7:00 p.m. at Belmont City Hall.

Carlos de Melo

Planning Commission Secretary